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STATE OF CALIFORNIA
PROFESSIONAL AND VOCATIONAL STANDARDS
FUNERAL DIRECTORS AND EMBALMERS

FUNERAL DIRECTORS AND EMBALMERS LAW

APPROVED JUNE 2, 1943

1943 Edition

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STATE OF CALIFORNIA Laws, statutes etc
DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS
BOARD OF FUNERAL DIRECTORS AND EMBALMERS

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DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS

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FUNERAL DIRECTORS AND EMBALMERS LAW

(Effective as of June 2, 1943)

ARTICLE 1. ADMINISTRATION

7600. This chapter of the Business and Professions Code constitutes the chapter on funeral directors and embalmers. It may be cited as the Funeral Directors and Embalmers Law.

7601. There is in the Department of Professional and Vocational Standards a State Board of Funeral Directors and Embalmers which consists of five members appointed by the Governor.

7602. Members of the board shall only be appointed from persons who are licensed as funeral directors or embalmers and who have had a minimum of five consecutive years' experience in funeral directing or embalming immediately preceding their appointment, and who are not financially interested, directly or indirectly, in any institution engaged in embalming or funeral directing instruction and who are not members of the faculty of such an institution.

7603. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors.

The terms of the members of the board in office when this chapter takes effect shall expire as follows: one member, January 15, 1940; two members, January 15, 1941; one member, January 15, 1942; and one member, January 15, 1943. The terms shall expire in the same relative order as to each member as the terms for which he holds office before this chapter takes effect.

Vacancies occurring shall be filled by appointment for the unexpired term.

7604. The Governor may remove any member of the board for incompetency or improper conduct.

7605. The board shall meet annually, and at such other times as it may determine.

It shall elect from its members, each for a term of one year, a president, a vice president, and a secretary.

The salary of the secretary shall be fixed by the board with the approval of the Department of Finance. Each member, other than the secretary, shall receive as compensation for his services the sum of ten dollars ($10) for each day's actual attendance upon a board or committee meeting.

Each member shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties.

7606. The board may adopt and enforce reasonable rules and regulations relating to:

(a) The practice of embalming.

(b) The business of a funeral director.

(c) The sanitary condition of places where such practice or business is conducted with particular regard to plumbing, sewage, ventilation and equipment.

(d) Carrying out generally the various provisions of this chapter for the protection of the peace, health, safety, welfare and morals of the public.

7607. The board may inspect the premises in which the business of a funeral director is conducted or where embalming is practiced.

7608. The Director of Professional and Vocational Standards may employ and appoint all employees necessary properly to administer the work of the board and the work of the department, in accordance with civil service regulations.

Upon recommendation of the board, and with the approval of the Director of Finance, the Director of Professional and Vocational Standards shall employ investigators and attorneys to assist the board in prosecuting violations of this chapter, whose compensation and expenses shall be payable only out of the State Funeral Directors and Embalmers Fund.

7609. This chapter does not apply to, or in any way interfere with, the duties of any officer of any public institution or of any duly accredited medical college, nor does it apply to any one engaged only in the furnishing of burial receptacles.

ARTICLE 2. FUNERAL DIRECTORS

7615. A funeral director is a person, partnership, association, corporation or other organization engaged in or conducting, or holding himself or itself out as engaged in each of the following:

(a) Preparing for the burial or disposal, and directing and supervising for burial or disposal of dead human bodies.

(b) Maintaining a funeral establishment for the preparation for the disposition or for the care of dead human bodies.

(c) Using, in connection with his or its name or funeral establishment, the words "funeral director," or "undertaker," or "mortician," or any other title implying that he or it is engaged as a funeral director.

7616. A funeral establishment is a place of business conducted at a specific street address or location devoted exclusively to the care and preparation for burial or transportation of human dead bodies and consisting of:

(a) A chapel in which funeral services may be conducted.

(b) A preparation room equipped with a sanitary flooring and necessary drainage and ventilation, and containing necessary instruments and supplies for the preparation and embalming of human dead bodies for burial or transportation.

(c) A display room containing a stock of funeral caskets and shipping cases.

The board may adopt such rules as may be reasonable and proper to define such necessary drainage and ventilation and sanitary flooring and necessary and suitable instruments, supplies and merchandise in a funeral establishment.

7617. The business of a funeral director shall be conducted and engaged in at a fixed place or establishment.

No person, partnership, association, corporation or other organization, shall open or maintain a place or establishment at which to engage in or conduct, or hold himself or itself out as engaging in or conducting, the business of a funeral director without a license.

7618. An application for a funeral director's license shall be written on a form provided by the board, verified by the applicant, or in case the applicant is an association, partnership or corporation, the president or other officer appearing therefor, accompanied by the fee fixed by this chapter and filed at its Sacramento office.

7619. The applicant, or in case the applicant is an association, partnership or corporation, the officer or partner appearing therefor, shall be at least 21 years of age and of good character.

7620. The application shall specify the address at which the applicant proposes to engage in or conduct a place of business as a funeral director and shall be accompanied by the affidavits of at least two reputable residents of the county in which the applicant resides, or proposes to engage in or conduct a funeral establishment, to the effect that the applicant, or the president or other officer, if the applicant is an association, partnership or corporation, or the individual who is to manage, direct or control such association, partnership or corporation, is of good character.

7621. The applicant shall also furnish the board with satisfactory proof that the establishment in which he intends to conduct business as a funeral director is or will be constructed, equipped and maintained in all respects as a funeral establishment as defined in this chapter.

7622. Before an application is granted, the applicant, when an individual, and the president or such other officer of an association, partnership, corporation, or other organization, or the individual who is to manage, direct or control the proposed business or profession shall successfully pass an examination upon the following subjects:

(a) The signs of death.

(b) The manner by which death may be determined.

(c) The laws governing the preparation, burial and disposal of dead human bodies, and the shipment of bodies dying from infectious or contagious diseases.

(d) Local health and sanitary ordinances and regulations relating to funeral directing and embalming.

7623. If an applicant for a funeral director's license proposes to engage in or conduct more than one funeral establishment, the applicant shall make a separate application and procure a separate license as a funeral director for each separate location.

7624. Not more than one person, partnership, association, corporation or other organization engaged in business as a funeral director shall transact business in one specific funeral establishment.

7625. Upon receipt of an application for a license, the board shall cause an investigation to be made of the character of the applicant, including its officers or members and, if the application is by or in behalf of a partnership, association, corporation or other organization, the character of its officers or members, and may require such showing as will reasonably prove the good character of the applicant.

The board may subpena witnesses, administer oaths and take testimony with respect to the character of the applicant and, upon proper notice and after proper hearing, shall grant a license if it finds that the applicant is of good character, and that the proposed funeral establishment is or will be constructed and equipped as required by this chapter.

7626. The board may examine into and pass upon the qualifications of the applicant as to character, ability and experience before passing upon the physical status of the proposed funeral establishment.

If the applicant's character, ability and experience are favorably passed upon, the board shall instruct the secretary to issue a funeral director's license upon the filing with it of a favorable report, approved by the secretary, from a board member or an inspector concerning the physical status of the proposed funeral establishment.

7627. Every application for a funeral director's license under this article shall be granted or refused within 90 days from the date of the filing of the application or within 30 days after the close of the hearing upon the application, in case a hearing is held.

7628. Any funeral director desiring to change his place of business shall apply therefor on forms furnished by the board and accompanied by the fee fixed by this chapter.

The application shall be granted by the secretary upon the filing with the board of a favorable report, approved by the secretary, from a board member or an inspector concerning the physical status of the proposed new location to the effect that it conforms with the requirements of this article.

7629. No funeral establishment shall be conducted or held forth as being conducted or advertised as being conducted under any name which might tend to mislead the public or which would be sufficiently like the name of any other licensed funeral director so as to constitute an unfair method of competition.

Any funeral director desiring to change the name appearing on his license may do so by applying to the board and paying the fee fixed by this chapter.

7630. A funeral director's license may be assigned upon payment of the fee fixed by this chapter and, if the assignee does not already possess a license as a funeral director, upon his meeting the qualifications for a funeral director as prescribed by this code.

The assignee has the right to renew the license.

7631. In case of the death of a licensed funeral director, who leaves an established business, as part or all of the assets of his estate, the board may issue a special temporary license to his legal representative, if the legal representative is of good character.

7632. Every funeral director shall cause all dead human bodies embalmed in his funeral establishment to be embalmed by a regularly licensed embalmer, or by an apprentice embalmer under the supervision of a regularly licensed embalmer.

ARTICLE 3. EMBALMERS

7640. An embalmer is a person duly licensed as such under the laws of the State of California.

7641. No person shall engage in, or hold himself out as engaged in practice as an embalmer, unless he is licensed by the board; provided, however, that this section shall have no effect on students and instructors of embalming in embalming colleges approved by the board.

7642. An application for an embalmer's license shall be written on a form provided by the board, verified by the applicant, and accompanied by the fee fixed by this chapter and by affidavits of at least two reputable residents of the county in which the applicant resides or proposes to engage in the practice of embalming to the effect that the applicant is of good character.

7643. In order to qualify for a license as an embalmer, the applicant shall comply with all of the following requirements:

(a) Be over 19 years of age.

(b) Be of good character.

(c) Furnish proof showing completion of a high school course or instead he may furnish the board with evidence that he has been licensed and has practiced as an embalmer for a minimum of three years within the seven years preceding his application in any other State or country and that such license has never been suspended or revoked for unethical conduct.

(d) Have completed at least one year of apprenticeship under an embalmer license and engaged in practice as an embalmer in this State in a funeral establishment which shall have been approved for apprentices by the board and while so apprenticed shall have assisted in embalming or otherwise preparing for disposition not less than 25 human dead bodies.

(e) Have completed a course of instruction of not less than nine months which embraces the subjects specified in Section 7646 of this code, in an embalming school approved by the board.

7646. The board shall require the applicant to pass an examination, which shall include the following subjects:

(a) Theory and practice of embalming.
(b) Anatomy, including histology, embryology and dissection.
(c) Pathology and bacteriology.
(d) Hygiene, including sanitation and public health.
(e) Chemistry, including toxicology.
(f) Restorative art, including plastic surgery and demisurgery.

7647. The board shall hold at least one meeting annually, for the purpose of examining applicants for embalmers' licenses.

Examinations shall be held at such times and places as may be determined by the board.

Notice of the time and place of such examinations shall be given as determined by the board.

7648. No embalmer's license is assignable, and only the licensee may engage in the practice of embalming under the license.

7649. Whenever the name or license number of any licensed embalmer is subscribed to any certificate, the purport of which is that he performed any act mentioned in the certificate, the licensed embalmer shall actually sign his name thereto.

7650. From time to time, the board may examine the requirements for the issuance of licenses to embalmers in other States of the United States and cause a record to be kept of those States in which standards are maintained for embalmers, not lower than those provided in this chapter.

ARTICLE 4. APPRENTICES

7660. An apprentice is a person engaged in the study of the art of embalming under the instruction and supervision of a regularly licensed embalmer of and practicing in the State of California.

7661. An application for registration as an embalmer's apprentice shall be made upon a form provided by the board, verified by the applicant and accompanied by the fee fixed by this chapter.

7662. In order to qualify as an embalmer's apprentice, an applicant shall comply with all of the following requirements:

(a) Be over 17 years of age.
(b) Be of good moral character.
(c) Furnish proof showing completion of a high school course or instead he may furnish the board with evidence that he has been licensed and has practiced as an embalmer for a minimum of three years within the seven years preceding his application in any other State or country and that such license has never been suspended or revoked for unethical conduct.

7663. Whenever it appears to the secretary that no reason exists for the denial of an application and that the application is regular

upon its face, he may issue a certificate of apprenticeship to the applicant, without submitting the application to the board.

If, however, any doubt exists as to the qualifications of the applicant, the application shall be submitted to the board and may be accepted or, after notice and hearing, rejected by a majority vote of the board.

7665. The board shall supervise and control all registered apprentices and shall require them to report annually during the month of January and at the completion of their apprenticeship, upon forms provided by the board, showing the work which they have performed during the annual period preceding the first day of the month on which the report is made. The report shall include the number of hours served and the number of bodies the apprentice has assisted in embalming or otherwise preparing for disposition during the period; provided, that whenever an apprentice changes his employment from one funeral establishment to another he shall forthwith notify the board of such change, state the name of the funeral director to whose establishment he has changed and the name of the embalmer under whom he is thereafter to serve and shall at the same time report to the board, upon forms provided by the board, showing the work which he shall have performed during his apprenticeship previous to such change.

The information contained in the report shall be certified to as correct by the funeral director in whose establishment the apprentice has been employed during the period, and by the embalmer under whom he has served during the period.

7666. The term of apprenticeship shall be one year; provided, a registrant who has completed his one apprenticeship may re-serve his apprenticeship by reregistration for not more than two additional one-year periods. An apprentice shall be entitled to two weeks' vacation during the apprenticeship period without leave of absence from the board.

The board shall have power to grant leaves of absence and approve absences during the term of apprenticeship, however, leaves of absence for such time as the apprentice is serving in the armed forces of the United States shall be automatic.

No credit shall be given to an apprentice upon his apprenticeship for the period during which he is absent from duty on leave.

7667. Application for leave of absence and for an extension thereof shall be made by the apprentice upon a form provided by the board.

Upon the termination of a leave of absence or any extension thereof, the apprentice shall report to the board the fact that he has resumed his duties as an apprentice and shall submit to the board affidavits subscribed by the funeral director in whose establishment he has resumed his duties and by the embalmer under whom he is apprenticed, confirming this fact.

Failure to so report within 10 days after the expiration date of any leave of absence or approved absence or extension of either thereof shall be cause for cancellation of the registration of an apprentice.

7668. The board may suspend or revoke a certificate of apprenticeship, after notice and upon complaint and hearing in accordance with the provisions of Article 6, where the apprentice is guilty of any of the following acts or omissions:

(a) Failure to devote not less than an average of 15 hours per week, to the duties of his apprenticeship.

(b) Failure to make any report required by law to the board.

(c) Absence from duty except as provided in this code.

(d) Gross immorality.

(e) Being on duty as an apprentice while under the influence of liquor.

(f) Disobedience of proper orders or instructions of his superior.

(g) Violation of any provision of this chapter or any rule or regulation of the board.

(h) Soliciting business for a funeral director or for an embalmer in violation of this chapter.

(i) Fraud or misrepresentation in obtaining a certificate of registration as an apprentice.

(j) Failure to pay any fee required by law.

7669. An apprentice who has allowed his certificate of apprenticeship to lapse or who has had his certificate of apprenticeship suspended or revoked may, within one year after such suspension, revocation or lapse, apply for reregistration upon compliance with existing laws. No reregistration shall be permitted so as to continue an apprenticeship beyond the period of three years from the date of the original reregistration.

The board may, when the circumstances warrant, allow an apprentice credit under a reregistration for time actually served under a previous registration, but if the previous registration has been suspended or revoked, not more than 75 per cent of the time previously served shall be credited on the reregistration.

ARTICLE 5. BOARD OF HEALTH REPORTS

7680. Every license issued shall:

(a) Specify the name of the licensee.

(b) Be signed by the licensee.

(c) Be displayed conspicuously in the place of business or employment of the licensee.

(d) Be registered by name and number with the board of health of the city or county in which the licensee proposes to conduct a funeral establishment or to practice as an embalmer. A certificate upon a form provided by the State Board of Funeral Directors and Embalmers, showing compliance with this section, shall be signed and delivered to the registrant by the registrar of such board of health upon such registration.

7681. Whenever a licensee changes his residence or place of business, from the jurisdiction of any particular board of health to another, such licensee shall, within 10 days after such change, register with the board of health to whose jurisdiction he has moved.

7682. No city or county authority shall issue any permit or license for removal or interment of a dead human body to any funeral director or embalmer unless such funeral director or embalmer has registered as provided in this article.

7683. Whenever a licensee has allowed his license to lapse or has had his license suspended or revoked, the secretary shall promptly notify the board of health with whom the license has been registered of such lapse or suspension or revocation. No city or county authority shall issue any permit or license to any funeral director or embalmer to whose board of health such notice has been given, until the board of health is notified of the reinstatement of such funeral director or embalmer.

ARTICLE 6. DISCIPLINARY PROCEEDINGS

7686. The board may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee has been found guilty by the board of any of the acts or omissions constituting grounds for disciplinary action.

7686.5. All complaints against licensees shall be written and shall be signed by the complainant and filed with the secretary within one year after the performance of the act or omission alleged as the ground for disciplinary action.

7687. Upon receipt of a complaint, the secretary shall ascertain whether or not the accused licensee has been guilty of an act or omission constituting a ground for disciplinary action and may make or cause to be made such investigation as he deems necessary in order to ascertain this fact.

If, with or without investigation, he determines that the accused licensee has not been guilty of an act or omission constituting a ground for disciplinary action, he shall notify the complainant and file his findings with the board. If, with or without investigation, he determines that the accused licensee is guilty or is probably guilty of such an act or omission, he shall file his findings with the board, including therein such recommendations as he deems desirable.

7687.5. The board may, if it desires, hold an informal hearing and an investigation, with or without the knowledge or presence of the accused licensee. The board may not do more than determine upon the following courses at an informal hearing or after an investigation:

(a) To continue the case for further investigation.
(b) To suspend further action until a future time.
(c) To dismiss the complaint.
(d) To proceed with a formal hearing.

7688. A formal hearing shall be held upon a written complaint signed and verified by the complainant, setting forth specifically the charges against the accused licensee.

Upon the filing of the verified complaint with the secretary, he shall issue a citation addressed to the accused licensee as the respondent, commanding him to appear before the board at the time and place specified or his default will be entered and disciplinary action taken against him.

7688.5. The citation, together with a copy of the complaint, shall be served upon the accused licensee personally not later than 10 days prior to the date set for the formal hearing. Service may be made by any person qualified to serve a summons in a civil action and proofs of service shall be filed with the board. The appearance of the accused licensee without objection to the manner or form of the citation or the notice given thereby constitutes a submission to the jurisdiction of the board.

7689. Formal hearings of the board shall be public and shall be conducted by the board in accordance with the rules and regulations its prescribes.

7689.5. All testimony before the board at a formal hearing shall be under oath, which any member of the board may administer, and all witnesses shall be subject to examination and cross-examination. A record shall be made of the testimony of all witnesses and, upon order of the board, may be transcribed.

7690. The board may discipline every accused licensee whose default has been entered or who has been tried and found guilty, after formal hearing, of any act or omission constituting a ground for disciplinary action.

Any of the following penalties may be imposed by the board:

(a) Suspension of the disciplinary order.
(b) Reproval, public or private.
(c) Probation.
(d) Suspension of the right to practice.
(e) Revocation of the right to practice.
(f) Such other penalties as the board deems fit.

In cases in which the disciplinary order of the board provides for the suspension or revocation of the right of the licensee to practice, the order shall not become effective until a certified copy thereof has been personally served upon the licensee.

7691. Conviction of a crime involving moral turpitude constitutes a ground for disciplinary action.

7692. Misrepresentation or fraud in the conduct of the business of the profession of a funeral director or embalmer constitutes a ground for disciplinary action.

7693. False or misleading advertising as a funeral director or embalmer constitutes a ground for disciplinary action.

7694. Solicitation, after a death or while a death is impending, of funeral directing or embalming business by the licensee, or by the

agents, assistants or employees of the licensee, when such solicitation is authorized or ratified by the licensee, constitutes a ground for disciplinary action. This section does not prohibit general advertising.

7695. Employment by the licensee of persons known as "cappers" or "steerers" or "solicitors," or other such persons to solicit, after a death or while a death is impending, funeral directing or embalming business constitutes a ground for disciplinary action.

7696. Employment, directly or indirectly, of any apprentice, agent, assistant, embalmer, employee or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer constitutes a ground for disciplinary action.

7697. The buying, after a death or while a death is impending, of funeral directing and embalming business by the licensee, his agents, assistants or employees, or the direct or indirect payment, or offer of payment, of a commission by the licensee, his agents, assistants or employees for the purpose of such buying of business, constitutes a ground for disciplinary action.

7698. Gross immorality constitutes a ground for disciplinary action.

7699. Aiding or abetting an unlicensed person to practice funeral directing or embalming constitutes a ground for disciplinary action.

7700. Using profane, indecent or obscene language in the course of the preparation for burial, removal or other disposition of or during the funeral service for a dead human body, or within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of constitutes a ground for disciplinary action.

7701. Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery constitutes a ground for disciplinary action.

7702. Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with the burial or other disposition of, a dead human body constitutes a ground for disciplinary action; provided, however, this section shall not apply to exterior casket hardware which is not sold to the purchaser, or where same is reserved by contract.

7703. Violation of any of the provisions of this chapter constitutes a ground for disciplinary action.

7704. Violation of any State law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies constitutes a ground for disciplinary action.

7705. Fraud or misrepresentation in obtaining a license constitutes a ground for disciplinary action.

7706. Refusing to surrender promptly the custody of a dead human body, upon the express order of the person lawfully entitled to its custody constitutes a ground for disciplinary action.

7707. Gross negligence or gross incompetency in the practice of funeral directing or embalming constitutes a ground for disciplinary action.

ARTICLE 7. PENAL PROVISIONS

7715. Any person, partnership, association, corporation or other form of organization or his or its agents or representatives, who violates any of the provisions of this chapter is guilty of a misdemeanor.

7716. Every funeral director or embalmer, or the agents or representatives thereof, who, after a death or while a death is impending, pays, offers to pay or causes to be paid, directly or indirectly, any sum of money or other valuable consideration for the securing of business is guilty of a misdemeanor.

7717. Every person, who pays or causes to be paid or offers to pay to any funeral director or embalmer, or to the agent, assistant or employee of either, any commission or bonus or rebate or other thing of value in consideration of such funeral director or embalmer recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery, is guilty of a misdemeanor.

7718. Every person who, after a death or while a death is impending, solicits or accepts any sum of money or other valuable consideration, directly or indirectly, from a funeral director or embalmer, his agent or representative, in order that the funeral director or embalmer might obtain business, is guilty of a misdemeanor.

7719. Every person guilty of a misdemeanor under the provisions of this chapter, shall, upon conviction thereof, be punished by imprisonment in the county jail for not more than six months, or by a fine not exceeding five hundred dollars ($500), or by both.

ARTICLE 8. REVENUE

7725. Every licensed funeral director, every licensed embalmer and every registered apprentice shall pay an annual fee for the renewal of his or its license to the department.

The board shall mail on or before the first day of January of each year to each licensed funeral director, each licensed embalmer and each registered apprentice, addressed to him at his last known address, a

notice that his renewal fee is due and payable and that, if the fee is not paid by the first of February, a penalty will be added to the renewal fee.

In no case shall the penalty be waived.

Upon the receipt of the fees, the department shall cause the renewal certificate to be issued.

7726. When a funeral director or embalmer has had his or its license suspended, canceled or revoked by the board, or has allowed the same to lapse for nonpayment of fees, the board, upon written application by the licensee affected, upon not less than 10 days' notice to all parties of record in the particular case and after hearing all evidence offered in support of and in opposition to such application, may, in its discretion, and upon such terms as it may deem just reinstate the applicant, provided the application, in case of lapse, is accompanied by all fees, including penalties not exceeding twenty-five dollars ($25), from the time of the lapse to the date of reinstatement.

7727. On or before the tenth day of each month, the department shall pay into the State Treasury and report to the State Controller all the fees received for the board. The fees shall be received by the State Treasurer and placed in the State Funeral Directors and Embalmers Fund, which fund is available for expenditures necessary for the proper administration of this chapter.

7729. The amount of the fees and penalties prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for a funeral director's license is twenty-five dollars ($25).

(b) The fee for change of location is ten dollars ($10).

(c) The fee for permission to assign a funeral director's license is ten dollars ($10).

(d) The application fee for an embalmer's license is twenty-five dollars ($25).

(e) The application fee for a certificate of registration as an apprentice is one dollar ($1).

(f) The renewal fee payable by a licensed funeral director is fifteen dollars ($15) but the board may increase the fee to not more than twenty-five dollars ($25) in one or more years or may reduce the fee to not less than seven dollars and fifty cents ($7.50) in one or more years.

(g) The renewal fee payable by a licensed embalmer is five dollars ($5) but the board may increase the fee to not more than seven dollars and fifty cents ($7.50) in one or more years or may reduce the fee to not less than two dollars and fifty cents ($2.50) in one or more years.

(h) The annual renewal fee payable by a registered apprentice shall be one dollar ($1).

(i) The penalty for failure to pay a funeral director's renewal fee is ten dollars ($10).

(j) The penalty for failure to pay an embalmer's renewal fee is ten dollars ($10).

(k) The penalty for failure to pay an apprentice's renewal fee is five dollars ($5).

(*l*) The fee for permission to change the name appearing on the license is ten dollars ($10).

SECTION 1. Section 114 of the Business and Professions Code is amended to read:

114. Any board or commission in the department which licenses any professional or vocational occupation, shall upon the application for renewal of a license by a person who has, within the 60-day period immediately prior to his application, served in the armed forces of the United States and who at the time of entry into such service had a current, valid, and unrevoked license, renew the license of such person without examination and without the payment of fees for delinquency upon payment of the current renewal fee.

This section shall not apply to any licensee of the department or any board, agency or commission in the department or subject to its jurisdiction, whenever any other provision of this code applies.

RULES AND REGULATIONS

ARTICLE I

RULES REGULATING FUNERAL DIRECTORS

Rule 1

Every application for a funeral director's license shall be filed with the secretary of the board not less than 30 days before the same shall be acted upon by the board. Within 10 days after the receipt of such application, the secretary of the board shall cause a notice of the filing of such application to be sent to the California Funeral Directors' Association and to such other organization or person as he may deem expedient, located at or near the place where such applicant proposes to engage in business as a funeral director. The secretary of the board shall be and constitute a committee of the board to act upon applications for funeral director's licenses, and when an applicant for a funeral director's license shows by his application and the proofs submitted therewith that he is qualified to receive a funeral director's license, and when all other requirements of this rule have been complied with, said secretary shall have the power to issue the funeral director's license applied for; provided, that all licenses thus issued by the secretary shall be submitted for approval at the next meeting of the board after the issuance thereof, and if not approved by the board, all licenses so issued by the secretary shall be deemed to have been only temporary and shall not be rendered permanent until so voted by the board, but may when the evidence submitted so warrants, be denied by the board.

Rule 2

All ambulances, hearses and first-call or pickup cars and the equipment therein shall be kept clean and sanitary and free from deleterious odors at all times. Such ambulances, hearses and cars and the equipment thereof shall be mechanically cleansed with a one per cent (1%) solution of chlorinated soda, or other suitable and effective disinfectant, immediately after having been used for the transportation of a human body dead of contagious disease.

Rule 3

A funeral director's license is not ambulatory and is issued for a specific location only. It shall be used only at the address specified in the certificate of license. The certificate of license shall remain the property of the State of California, in possession of the licensee only so long as he exercises the license at the location specified, and said certificate shall be surrendered to the State Board of Funeral Directors and Embalmers upon change of address, change of name, assignment or upon discontinuance of business at the specified address. This rule shall not prevent a licensed funeral director from conducting a funeral

in another licensed establishment, nor shall it prevent a licensed funeral director from conducting a funeral at a church, cemetery, home, public hall, lodge room, or other suitable place.

Rule 4

No funeral establishment shall be conducted or held forth as being conducted or advertised as being conducted under any name which might tend to mislead the public or which would be sufficiently like the name of any other licensed funeral director so as to constitute an unfair method of competition.

Transposition of a licensed name is permissible and the individuals comprising such name may be listed alphabetically in the classified and general sections of telephone directories and other listings with appropriate reference to the licensed name. Where the licensed name does not indicate the names of the individual owners of an establishment, the names of such owners as shown by the board's records may be listed alphabetically in the classified and general sections of telephone directories and other listings, followed by appropriate reference to the licensed name. A stockholder of a corporation, licensed as a funeral director, shall not be deemed to be an owner of the establishment so licensed, but a partner of a copartnership so licensed shall be deemed to be one of the owners of such establishment and may be listed as an owner; provided, he is actively engaged in the conduct of the business, but not otherwise. The names of the president and one vice president or general manager of a corporation may be listed alphabetically in the classified and general sections of telephone directories and other listings, with appropriate reference to the licensed corporation of which they are such officers; provided, officers so listed are actively engaged in the conduct of the business. Corporations shall annually report to the board, at the time of making application for renewal of license, the names of their officers who are actually engaged in the conduct of the business.

ARTICLE II

RULES REGULATING THE PRACTICE OF EMBALMING

Rule 1

Every person, while engaged in actually embalming a dead human body, shall be attired in a clean and sanitary smock or gown covering the person from neck to below the knees, and shall, while so engaged, wear rubber impervious gloves; and the body being embalmed shall at all times be so covered as to insure the privacy of said body.

Rule 2

All instruments and appliances used in the embalming of a human dead body shall be thoroughly cleansed and sterilized by boiling or by immersion for 10 minutes in a one per cent (1%) solution of chlorinated soda, or other suitable and effective disinfectant, immediately at the conclusion of each individual case.

Rule 3

Every preparation room shall be provided with proper and convenient receptacles for refuse, bandages, cotton and other waste

materials and supplies, and all such refuse, bandages, cotton and other waste materials shall be destroyed by incineration immediately at the conclusion of each case to the end that germs of disease may be destroyed and the public health thereby protected; and every funeral establishment shall be equipped with an incinerator suitable for this purpose.

Rule 4

All mortuaries shall be kept and maintained in a clean and sanitary condition and all embalming tables, hoppers, sinks, receptacles, instruments and other appliances used in embalming human dead bodies shall be thoroughly cleansed and disinfected with a one per cent (1%) solution of chlorinated soda, or other suitable and effective disinfectant, immediately at the conclusion of each individual case.

Rule 5

Every preparation room shall be equipped with a sanitary embalming table, and such table shall be provided with running water draining from the table into a sink or hopper, which sink or hopper shall be connected with the sewer, septic tank, cesspool or other proper receptacle or conduit.

Rule 6

Every preparation room shall comply in respect to ventilation with State and local laws, ordinances and regulations and in the absence of such shall be so ventilated that no deleterious odors shall be allowed to remain therein and so that the odors therefrom shall not be permitted to enter into any other part of the premises of the funeral director or into any other adjoining premises.

Rule 7

The care and preparation for burial or other disposition of all human dead bodies shall be strictly private and no one shall be allowed in the embalming room while a human dead body is being embalmed, except the licensed funeral director and his duly authorized officers and/or employees, licensed embalmers and their duly registered apprentices, instructors of the science of embalming in embalming schools or colleges duly accredited by the board and their students, and except public officials in the discharge of their duties; provided, that this rule shall not apply to duly accredited nurses employed in a case, nor to members of the immediate family of the deceased.

ARTICLE III

RULES REGULATING APPRENTICES

Rule 1

Every application for a certificate of registration as an apprentice shall be granted by the secretary of the board within 10 days after the same has been filed with him, unless a hearing by the board shall be held upon such application, in which case the application shall be granted or denied within 10 days after such hearing.

Rule 2

No person shall be allowed to register as an apprentice in any funeral establishment wherein less than an average of three human dead bodies per month shall have been prepared for burial or other disposition during the 12 months immediately preceding the date of the application for such registration, or in any funeral establishment wherein the board determines that less than an average of three human dead bodies per month shall be prepared during the 12 months immediately succeeding such application; and no person shall be allowed to register as an apprentice in any funeral establishment which has not been approved for apprenticeship by the board.

Rule 3

Application by an apprentice for leave of absence and for extension thereof shall be filed with the secretary and may be granted by him.

Rule 4

When it appears from the records of the board that an apprentice has served his full term of apprenticeship, the secretary of the board shall issue to such apprentice a written notification showing that he has completed his apprenticeship.

Rule 5

Section 7632 of the Business and Professions Code provides that embalming by an embalmer's apprentice must be under the supervision of a regularly licensed embalmer. When an apprentice embalms a body out of the presence of the embalmer under whom he is apprenticed, the death certificate shall not be signed by such embalmer until he makes a personal inspection in the presence of the apprentice of the body as embalmed, and passes thereon.

ARTICLE IV

EXAMINATION FOR EMBALMERS LICENSES

Rule 1

The date for examinations for an embalmers license shall be fixed by the board and notice in writing of the time and place thereof shall be given by the board, at least 15 days prior to said date, to approved embalming colleges within the State, to applicants for such examination and to all organizations within the funeral industry who shall have made written request for such notification.

No person shall be permitted to take such examination unless he shall have filed in the Sacramento office of the board, at least five days prior to the date of such examination, an application upon a form provided by the board.

Rule 2

Applicants for an examination for embalmer's license shall be permitted to take such examination after they have completed their embalming college course, notwithstanding that they may not, at such time, have completed their embalming apprenticeship and in the event of passing such examination the embalmer's license shall be withheld

until apprenticeship has been served in full and all other requirements of the law complied with.

Provided, however, that for the duration of the present war, any student in an approved embalming college, who after having completed not less than 50 per cent of the required embalming college course enters the armed services of the United States before the completion of the prescribed course of such college, shall upon application therefor be permitted by the State Board to take an examination for an embalmer's license and in the event of passing such examination the embalmer's license shall be withheld until all requirements of the law have been complied with.

Rule 3

Embalming schools and colleges shall be approved by the board at the first meeting of the board after the first day of March of each year. Any embalming school or college desiring approval by the board shall make application therefor not less than 10 days preceding the first day of March of each year, and no embalming school or college shall be approved unless such application shall have been made. When the circumstances warrant, the board may consider applications for such approval even though made subsequent to the time herein specified. Accompanying each such application shall be the catalogue, prospectus or other schedule describing the course or courses of study of the applicant and the time devoted to each subject. A concise description of school facilities shall also be furnished.

Provided that when a student has registered in a school that has been approved by the board, such student shall be permitted to take the examination notwithstanding that such college may thereafter not have the board's approval.

Rule 4

Applicants for examination will be checked into the examination room alphabetically and by photograph. No applicant expecting to return will be allowed to leave the examination room within an interval of 30 minutes after the distribution of the questions nor thereafter unless accompanied by a watcher. No more than three examinees expecting to return may leave the examination room at any one time.

All books, parcels, etc., must be deposited at the door of the examination room, and during the examination no applicant will be permitted to have on the table whereon he is writing any paper or other object than the examination questions, an examination tablet, a blotter, pen and ink, eraser and a watch.

Rule 5

Each applicant for examination will furnish his own pen and ink. The board will furnish blotters and examination tablets. The applicant will occupy the same table or desk throughout the examination. The board will furnish a suitable and adequate number of watchers for each examination.

Rule 6

Smoking is not permitted in the examination room while an examination is being conducted, and this rule will apply not only to the examinees, but to the watchers, members of the board, and all other persons.

Rule 7

When seated in the examination room, each applicant will receive an identification envelope, wherein he will find a printed slip of paper, and thereon he will write his name and address in the space provided, specifying thereon where mail may reach him within one month after the date of the examination. Any change of this address must be forwarded to the board office at Sacramento. Applicant will return said slip to the identification envelope and seal said envelope, which will thereupon be collected by one of the watchers.

The questions of the first subject of the examination will be distributed as soon as the identification envelopes have been collected. The number on the identification envelope thus furnished shall be inscribed by the applicant upon each examination tablet, together with the date of examination and subject of the examination.

Rule 8

Applicants will not be permitted to hold communications, verbal or otherwise, with any other person than a watcher while the examination is in progress. Any disturbance on the part of an applicant will disqualify such applicant and he will be required to leave the examination room.

Rule 9

The time to be allotted to each subject of the examination shall be indicated on written instructions furnished to each examinee with the respective examination papers. Immediately upon completion of an examination subject, the applicant will leave the room, depositing his examination tablet in a box provided by the board, and located at the exit of the examination room.

Rule 10

After the examination has been completed, the examination papers shall be examined and marked and the resultant grades in the several subjects, as well as the average grade of each applicant, shall be arrived at and determined by the board. To constitute a passing grade, an applicant must receive an average mark of not less than 75 per cent on all subjects; provided, that where the applicant has received a mark of less than 60 per cent in more than one subject, such applicant shall not be passed notwithstanding his average mark may be higher than 75 per cent.

Rule 11

After examination papers have been graded, same shall be returned to the Sacramento office of the board, where they shall be kept for a period of one year, after which period they may be destroyed.

ARTICLE V

RULES OF PROCEDURE BEFORE THE BOARD

Rule 1. Calendar of Cases

The secretary shall before each board meeting, prepare a calendar of all matters to come before the board at such meeting, but the board shall not be limited by such calendar and may hear and consider other matters not on such calendar, and failure or neglect to have a matter placed upon such calendar shall not deprive the board of the authority to hear and consider any case or matter so omitted.

Rule 2. Hearings to Be Public

All formal hearings of the board shall be open to the public, but the board may, when it deems such procedure proper, go into private session for the purpose of discussing any complaint or matter before it, or for the purpose of reaching a decision upon a matter submitted, but no evidence shall be taken upon a formal hearing in any such private session except that the board may, in such private session, study and examine any evidence properly taken at a public hearing.

Rule 3. Reinstatement of Licenses

Whenever application is made for reinstatement of a license which has previously been suspended or revoked upon disciplinary grounds by the board, no such reinstatement shall be granted by the board until the expiration of not less than 30 days after the receipt of such application by the board.

Upon the receipt of any such application by the board, the secretary shall forthwith cause notice thereof to be sent to such State-wide associations or groups of board licensees as may be in existence in the State and to such other persons, associations or groups as the secretary may deem advisable.

Rule 4

Section 7704 of the Business and Professions Code provides that violation of any State law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies constitutes a ground for disciplinary action by the board. Proof of such violation in any proceeding before the board may consist of a certified record of a court or other proper tribunal having jurisdiction of the matter involved in the particular case.

ARTICLE VI

GENERAL RULES

Rule 1

A placard upon which Rule 7 of Article II of these rules shall be printed must be fastened to the exterior of all doors of preparation and embalming rooms in every funeral establishment.

Rule 2

Any funeral director failing to comply with the provisions of Rule 1 of this Article VI, shall be subject to disciplinary action by the board.

Rule 3

The certificate of compliance required by subdivision (d) of Section 7680 of the Business and Professions Code shall be displayed conspicuously in the place of business or employment of the licensee in proximity to the license certificate of such licensee.

Rule 4

The board may at any time in its discretion waive, suspend or amend any rule herein set forth.

CALIFORNIA LAWS REGULATING LICENSED FUNERAL DIRECTORS AND EMBALMERS

HEALTH AND SAFETY CODE

(Effective as of August 4, 1943)

DIVISION 1. ADMINISTRATION OF PUBLIC HEALTH

PART 1. STATE DEPARTMENT OF PUBLIC HEALTH

Chapter 1. Organization

100. There is in the State Government a State Department of Public Health.

101. The department shall consist of the State Board of Public Health, the State Director of Public Health and such divisions as are or may be necessary for the prevention of disease, the prolongation of life and the promotion of the physical health and mental efficiency of the people of the State.

102. The State Board of Public Health consists of the Director of Public Health and seven other members. The board shall advise the director in the performance of his duties and formulate general policies affecting public health. It shall have power to adopt, promulgate, repeal and amend rules and regulations consistent with law for the protection of the public health. It shall issue licenses and permits as prescribed by law and by rules and regulations of the board. It may hold hearings and subpena witnesses and documents pursuant to Section 353 of the Political Code. The board shall have no administrative or executive functions other than those set forth in this code.

PART 2. LOCAL ADMINISTRATION

Chapter 1. Health Officers and Ordinances

Article 1. County Health Ordinances and Officers

450. The board of supervisors of each county shall adopt orders and ordinances necessary for the preservation of the public health in the unincorporated territory of the county, not in conflict with general laws, and provide for the payment of all expenses incurred in enforcing them.

451. Each board of supervisors shall appoint a health officer, who is an employee and not a county officer, unless otherwise provided by charter.

452. The county health officer shall enforce and observe in the unincorporated territory of his county, all of the following:

(a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters.

(b) Orders, quarantine regulations, and rules prescribed by the State Department of Public Health.

(c) Statutes relating to public health.

453. Each county health officer shall report to the State department all violations of the State health laws that come to his attention.

DIVISION 7. DEAD BODIES

PART 1. GENERAL PROVISIONS

Chapter 1. Definitions

7000. The definitions in this chapter apply to this division and to Divisions 8 and 9 of this code.

7001. "Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and cremated remains.

7002. "Cremated remains" means human remains after incineration in a crematory.

7003. "Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes:

(a) A burial park, for earth interments.

(b) A mausoleum, for crypt or vault interments.

(c) A crematory, or a crematory and columbarium, for cinerary interments.

7004. "Burial park" means a tract of land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes.

7005. Except in Part 5 of Division 8 of this code, "mausoleum" means a structure or building for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated, for cemetery purposes.

7006. "Crematory" means a building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains.

7007. Except in Part 5 of Division 8 of this code, "columbarium" means a structure, room, or other space in a building or structure containing niches for inurnment of cremated human remains in a place used, or intended to be used, and dedicated, for cemetery purposes.

7008. "Crematory and columbarium" means a building or structure containing both a crematory and columbarium.

7009. "Interment" means the disposition of human remains by cremation, inurnment, entombment, or burial.

7010. "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory and the placement of the cremated remains in a grave, vault, or niche.

7011. "Inurnment" means placing cremated remains in an urn and placing it in a niche.

7012. "Entombment" means the placement of human remains in a crypt or vault.

7013. "Burial" means the placement of human remains in a grave.

7014. "Grave" means a space of ground in a burial park, used, or intended to be used, for burial.

7015. "Crypt" or "vault" means a space in a mausoleum of sufficient size, used or intended to be used, to entomb uncremated human remains.

7016. "Niche" means a space in a columbarium used, or intended to be used, for inurnment of cremated human remains.

7017. "Temporary receiving vault" means a vault used or intended to be used for the temporary placement of human remains.

7018. "Cemetery authority" includes cemetery association, corporation sole, or other person owning or controlling cemetery lands or property.

7019. "Cemetery corporation," "cemetery association," or "cemetery corporation or association," mean any corporation now or hereafter organized which is or may be authorized by its articles to conduct any one or more or all of the businesses of a cemetery, but do not mean or include a corporation sole.

7020. "Cemetery business," "cemetery businesses," and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery interring human remains, and the care, preservation, and embellishment of cemetery property.

7021. "Directors" or "governing body" means the board of directors, board of trustees, or other governing body of a cemetery association.

7022. "Lot," "plot," or "interment plot" means space in a cemetery, used or intended to be used for the interment of human remains. Such terms include and apply to one or more than one adjoining graves, one or more than one adjoining crypts or vaults, or one or more than one adjoining niches.

7023. "Plot owner," "owner," or "lot proprietor," means any person in whose name an interment plot stands of record as owner, in the office of a cemetery authority.

7024. A "burial permit" is a permit, issued pursuant to law, for the interment of human remains.

Chapter 2. General Provisions

7050. In matters relating to communicable diseases, the State department may make and enforce regulations for the embalming, cremation, interment, disinterment and transportation of the dead.

7051. Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, with intent to sell it or to dissect it, without authority of law, or from malice or wantonness, is punishable by imprisonment in the State prison for not more than five years.

7052. Every person who mutilates, disinters, or removes from the place of interment any human remains without authority of law, is guilty of felony. This section does not apply to any person who removes the remains of a relative or friend for reinterment.

7053. Every person who arrests, attaches, detains, or claims to detain any human remains for any debt or demand, or upon any pretended lien or charge, is guilty of a misdemeanor.

7054. Every person who deposits or disposes of any human remains, in any place within the corporate limits of any city, or city and county, except in a cemetery, is guilty of a misdemeanor.

7055. Every person, who for himself or for another person, inters or incinerates a body or permits the same to be done, or removes any remains, from the primary registration district in which the death or incineration occurred or the body was found, except a removal by a funeral director in a funeral director's conveyance from that registration district to another registration district in the same or another county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred; or removes cremated remains from the premises on which the cremation occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows: (a) for the first offense by a fine of not less than

ten dollars ($10) nor more than five hundred dollars ($500), (b) for each subsequent offense by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or imprisonment in the county jail for not more than 60 days, or by both.

Chapter 3. Custody, and Duty of Interment

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

(a) The surviving spouse.

(b) The surviving child or children of the decedent.

(c) The surviving parent or parents of the decedent.

(d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent.

7101. When any decedent leaves an estate in this State, the reasonable cost of interment and an interment plot of sufficient size to constitute a family plot and memorial, including reasonable sums for either, or both, general and special perpetual care of the plot proportionate to the value of the estate and in keeping with the standard of living adopted by the decedent prior to his demise, together with interest thereon from the date of interment, shall be considered as a part of the funeral expenses of the decedent and shall be paid as a preferred charge against his estate as provided in the Probate Code.

If a claim for an interment plot or memorial is rejected the burden of proving that the cost of the interment plot or memorial is disproportionate to the value of the estate and the standard of living adopted by the decedent while living shall be upon the executor or administrator rejecting the claim. This chapter does not prohibit any relative or friend of a decedent from assuming the duty or paying the expense of interment.

7102. When a person is charged by law with the duty of interment he is entitled to the custody of the remains for the purpose of interment; except that in any case where a coroner is required by law to investigate the cause of death, the coroner is entitled to the custody of the remains of the person whose death is the subject of investigation until the conclusion of the autopsy or medical investigation by the coroner. Any person in whose possession such remains are found, shall, upon demand by the coroner, surrender such remains to him.

7103. Every person, upon whom the duty of interment is imposed by law, who omits to perform that duty within a reasonable time is guilty of a misdemeanor. In addition, he is liable to pay to the person

performing the duty in his stead treble the expenses incurred by the latter in making the interment, to be recovered in a civil action.

7104. When no provision is made by the decedent, or where the estate is insufficient to provide for interment and the duty of interment does not devolve upon any other person residing in the State or if such person can not after reasonable diligence be found within the State the person who has custody of such remains may require the coroner of the county where the decedent resided at time of death to take possession of such remains and he shall inter the same in the manner provided for the interment of indigent dead.

7105. If the person vested with the duty of interment fails, refuses or neglects within a reasonable time after death of the decedent to make such interment, a cemetery authority having possession of the remains, or any relative of the decedent, may file a petition in the superior court in the county in which the decedent resided at the time of his death, or in which the remains are located, naming as defendant the person vested with the duty of interment and seeking an order of the court directing the defendant to make interment of the remains.

If no person residing in the State vested with the duty of making interment is known to the petitioner, or if such person after reasonable diligence can not be found within the State, and that fact appears from the petition, the petitioner may make the coroner of the county in which the petition is filed the party defendant.

7106. A cemetery authority may seek an order providing for the interment of the remains of one or more decedents. Where a proceeding is commenced involving the remains of more than one decedent the allegations of the petition shall separately state the facts as to each, and the court may make a separate order as to each.

7107. Notice of the time and place of the hearing on the petition shall be given as the court may direct. Upon the hearing the court shall make its order providing for the interment of the remains in such manner, at such time, and at such place as the court may determine to be just and proper, and for the best interests of the public health.

7108. If the coroner is directed to make such interment he shall make it in the manner provided by law for the interment of the indigent dead.

7109. The court shall allow costs and reasonable attorney's fees against all defendants, other than the coroner.

7110. Any person signing any authorization for the interment of any remains warrants the truthfulness of any fact set forth in the authorization, the identity of the person whose remains are sought to be interred, and his authority to order interment. He is personally liable for all damage occasioned by or resulting from breach of such warranty.

7111. A cemetery authority may make an interment of any remains upon the receipt of a written authorization of a person representing himself to be any of the following:

(a) The surviving spouse.

(b) A surviving child or parent.

(c) The next of kin.

(d) A person who has acquired the right to control the disposition of the remains.

A cemetery authority is not liable for cremating or making an interment pursuant to such authorization, unless it has actual notice that such representation is untrue.

7112. No action shall lie against any cemetery authority relating to the cremated remains of any person which have been left in its possession for a period of five years, unless a written contract has been entered into with the cemetery authority for their care or unless permanent interment has been made.

Nothing in this section shall be construed as an extension of the existing statute prescribing the period within which an action based upon a tort must be commenced. No licensed funeral director shall be liable in damages for any cremated human remains after the remains have been deposited with a cemetery in the State of California.

Chapter 4. Disposal of Unclaimed Dead

7200. Every head of a public institution, city or county undertaker, or State, county, or city officer having charge or control of remains to be interred at public expense shall use due diligence to notify the relatives of the decedent. In the absence of any known relative of decedent desiring to direct the disposition of the remains in a manner other than in this chapter provided, and upon written request of the State department that such notices are required for a definite period specified in the request, such officer shall notify the State department by telegraph collect, immediately after the lapse of 24 hours after death, stating, whenever possible the name, age, sex, and cause of death of the decedent.

7201. The person in charge of a public institution in which the decedent was an inmate shall transmit upon request, to the State department or to any person designated by it, a brief medical history of the unclaimed dead for purpose of identification and permanent record, which records shall be open to inspection by any State or county official or prosecuting attorney.

7202. The unclaimed dead retained by the State department for scientific or educational purposes shall be embalmed and disposed of in accordance with the instructions of the State department. Such unclaimed dead shall be held for a period of 30 days by those to whom they may have been assigned for scientific or educational purposes, subject to claim and identification by any authenticated relative of the decedent for purpose of interment or other disposition in accordance with the directions of such relative.

7203. The bodies of the unclaimed dead retained by the State department shall be used solely for the purpose of instruction and study in the promotion of medical, chiropractic, and embalming education and science within the State.

7204. All persons receiving unclaimed dead for educational purposes shall bear all reasonable expense incurred in the preservation and transportation of the dead and shall keep a permanent record of bodies received, giving the identification number, the name, age, sex, nationality, and race, if possible, together with the place of last residence of the decedent and the source and disposition, with dates, of the body.

7205. It is unlawful for any person, unless specifically authorized by law, to hold a post mortem examination of any unclaimed dead without the express permission of the State department.

7206. Any person authorized by law to perform post mortem examinations shall permit, with the consent of relatives, or in the absence of such relatives, with the consent of the State department, any representative of the anatomical or pathological departments of an incorporated medical, chiropractic, or osteopathic school or college to obtain at the time of the necropsy, such material in a recent state as may be needed for scientific purposes, if the material is not required for the legal purposes of the State.

7207. Whenever, through the failure of any person to notify the State department, or promptly to deliver the body of a deceased indigent as required by the State department, such body becomes unfit for scientific or educational purposes, the State department shall so certify and the remains shall be interred at the expense of those guilty of such noncompliance.

7208. Every person who unlawfully disposes, uses, or sells the body of an unclaimed dead person, or who violates any provision of this chapter is guilty of a misdemeanor.

Chapter 5. Embalming and Transportation

Article 1. Embalming

7300. No person shall embalm a body of any person who has died from an unknown cause, except with the permission of the local health officers.

7301. No embalmer shall embalm a dead human body when he has information reasonably indicating crime in connection with the death until permission of the coroner, or a justice of the peace, if there is no coroner, has been obtained.

7302. Every funeral director and embalmer shall immediately report to the local health officer every contagious case on which the funeral director or embalmer may be called.

7303. No embalming fluid or methods of embalming disapproved by regulation of the State department shall be employed by any person

in the case of deaths from contagious, infectious, or communicable diseases, or in cases where the body is to be transported upon a public conveyance for interment or cremation within this State or for transportation to a point without the State.

No embalming fluids shall be used in embalming which:

(a) Contain heavy mineral or metallic substances which have a poisonous effect, such as arsenic and mercury;

(b) Contain less than 10 per cent formaldehyde gas.

Every person who violates the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars ($10) nor more than five hundred dollars ($500).

Article 2. Transportation

7350. It is unlawful for any common carrier, to receive for transportation any dead human body, unless the body has been prepared by a regularly licensed embalmer in accordance with the rules prescribed by the State department, and is accompanied by a yellow paster in a form approved by it.

7351. The requirements prescribed in this article for the transportation of the dead shall be strictly observed, subject to such changes and modifications as the State department may require and direct.

7352. The transportation into this State or from this State of bodies of persons who have died from plague, Asiatic cholera, yellow fever, typhus fever, anthrax, glanders, or smallpox is prohibited.

Such bodies shall not be transported within this State except by permission and under the direction of the State department, and subject also to the conditions provided in Section 7353.

7353. The bodies of persons who have died of Asiatic cholera, smallpox, yellow fever, diphtheria, membranous croup, scarlet fever (scarlatina, scarlet rash), erysipelas, glanders, anthrax, or leprosy, shall not be accepted for transportation unless prepared for transportation by:

(a) Arterial and cavity injection with a disinfecting fluid approved by the State department.

(b) Disinfection and stopping of all orifices with absorbent cotton.

(c) Washing the body with a disinfectant.

The body shall be properly clothed, and placed in either:

(a) An airtight metal-lined casket, all joints and seams hermetically sealed, and all inclosed in a strong, wooden transportation case, or,

(b) A wooden casket encased in a metal-lined transportation case, all joints and seams of the case being hermetically sealed.

In the transportation of bodies dead from any disease named in this section, the body shall not be accompanied by persons or articles which have been exposed to the infection of the disease, unless certified by the health officer to have been properly disinfected.

7354. The bodies of persons who have died from typhoid fever, puerperal fever, tuberculosis, measles, or any other contagious or infec-

tious disease not enumerated in Sections 7352 and 7353, may be received for transportation when prepared for transportation by arterial and cavity injection with an approved disinfecting fluid, and by washing the exterior of the body with an approved disinfecting fluid. The body shall be properly clothed. If the body can not reach its destination within 90 hours from the time of death it shall be placed in a wooden casket inclosed in a hermetically sealed metal-lined transportation case, or in an airtight metal or metal-lined casket inclosed in a wooden transportation case.

7355. The bodies of persons who have died from any cause not stated in nor covered by other provisions of this article, shall not be received for transportation by a common carrier unless the body has been embalmed and prepared by a licensed embalmer, and placed in a sound casket and inclosed in a wooden transportation case.

Chapter 6. Burial and Removal Permits

7400. Whenever the State Department of Public Health so orders, no burial permit shall be issued until after the body has been inspected by the department or its representative.

7401. Except as provided in the next section, the body of any person whose death occurs in this State, or whose body is found in the State, or which is brought in from outside the State, shall not be interred, deposited in a vault or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district, or temporarily held pending further disposition more than five days after death, unless a permit for burial, removal, or other disposition is issued by the local registrar of the registration district in which the death occurred or the body was found, or by the county recorder of the county in which the district is located. The county recorder shall mail, within 24 hours, the original death certificate to the local registrar.

7402. This chapter does not prevent a funeral director from removing a body from the registration district where the death occurred or the body was found to another registration district in the same or another county in a funeral director's conveyance for the purpose of preparing the body for interment or shipment.

7404. If death occurred from any disease held by the State department to be infectious, contagious, or communicable, and dangerous to public health, the body shall not be removed without first securing permission of the local health officer.

7405. No burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him, except that when a dead body is transported from outside the State into a registration district in California for interment, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the

body has been transported, as a basis upon which he may issue a local burial permit, noting upon the face of the burial permit the fact that it was a body shipped in for interment and the place of death.

7406. No person shall inter in any cemetery any human body unless (a) there has been obtained and filed with the local registrar of the city or county where the death occurred, a certificate, signed by a physician, or a coroner, setting forth as near as possible, the name, age, color, sex, place of birth, occupation, date, locality and the cause of death of the decedent, and (b) he has obtained from the local registrar a burial permit.

7407. A burial permit issued in one county or city is valid and sufficient in any county it specifies as the place of interment and shall be issued in duplicate. Further permit for interment shall not be required, but any county interment fees required by law or ordinance shall be paid.

7410. No person in charge of any premises on which interments or cremations are made shall inter or permit the interment or cremate or permit the cremation or other disposition of any body unless it is accompanied by a burial or cremation permit.

7411. The person in charge shall sign the permit, indorse upon it the date of interment or cremation, and return all permits so indorsed to the local registrar of his district within 10 days from the date of interment or cremation.

7412. If any cemetery is located partly in one registration district and partly in another, only one permit shall be required for interment and a permit authorizing interment in such cemetery shall entitle interment to be made within or without the district to which such permit is directed. Such permit shall be returned to the registration district in which the interment is made irrespective of the district to which it is directed. The local registrar of the district in which such interment is made shall forthwith file such permit on presentation without charge.

PART 2. DISINTERMENT AND REMOVAL

Chapter 1. General Provisions

Article 1. Permits

7500. No remains of any deceased person shall be removed from any cemetery, except upon written order of the health department having jurisdiction, or of the superior court of the county in which such cemetery is situated. A duplicate copy of the order shall be maintained as a part of the records of the cemetery. Any person who removes any remains from any cemetery shall keep and maintain a true and correct record showing:

(a) The date such remains were removed.

(b) The name and age of the person removed, when these particulars can be conveniently obtained and the place to which the remains were removed.

(c) The cemetery and the plot therein in which such remains were buried.

If the remains are disposed of other than by interment, a record shall be made and kept of such disposition. The person making the removal shall deliver to the cemetery authority operating the cemetery from which the remains were removed, a true, full and complete copy of such record.

7501. A cemetery authority shall not remove or permit the removal of any interred remains, unless a permit for the removal has been issued by the local registrar of the district in which the premises are located, and delivered to the cemetery authority. Any person entitled by law to remove any remains may apply to the local registrar for a permit to remove them. The local registrar shall issue a permit, which in all cases shall specify the name of a cemetery where the remains shall be interred, and shall retain a copy, for which permit he shall receive a fee of fifty cents ($0.50) to be paid him by the applicant for the permit.

7502. In the disinterment, transportation and removal of human remains under Chapter 4 of this part a cemetery authority need not obtain a separate permit for the disinterment, transportation or removal of the remains of each person, but disinterment, transportation and removal of human remains shall be made subject to reasonable rules and regulations relative to the manner of disinterring, transporting or removing such remains as may be adopted by the board of health or health officer of the city or city and county in which the cemetery lands are situated.

Article 2. Consent to Removal

7525. The remains of a deceased person may be removed from a plot in a cemetery with the consent of the cemetery authority and the written consent of one of the following in the order named:

(a) The surviving spouse.
(b) The surviving children.
(c) The surviving parents.
(d) The surviving brothers or sisters.

7526. If the required consent can not be obtained, permission by the superior court of the county where the cemetery is situated is sufficient.

7527. Notice of application to the court for such permission shall be given, at least 10 days prior thereto, personally, or at least 15 days prior thereto if by mail, to the cemetery authority and to the persons not consenting, and to every other person or association on whom service of notice may be required by the court.

7528. This article does not apply to or prohibit the removal of any remains from one plot to another in the same cemetery or the removal of remains by a cemetery authority from a plot for which

the purchase price is past due and unpaid, to some other suitable place; nor does it apply to the disinterment of remains upon order of court or coroner.

DIVISION 8. CEMETERIES

PART 1. GENERAL PROVISIONS

Chapter 1. Cemetery Defined

8100. Six or more human bodies being buried at one place constitute the place a cemetery.

Chapter 2. Vandalism

8101. Every person is guilty of a misdemeanor and punishable by a fine of not less than twenty-five (25) nor more than five hundred dollars ($500), or by imprisonment for not exceeding six months, or by both, who unlawfully or without right wilfully does any of the following:

(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down, or removes: any tomb, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any inclosure for the protection of a cemetery or any property in a cemetery.

(b) Obliterates any grave, vault, niche, or crypt.

(c) Destroys, cuts, breaks or injures any building, statuary, ornamentation, tree, shrub, or plant within the limits of a cemetery.

(d) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

8102. Any person violating any provision of this chapter is liable, in a civil action by and in the name of the cemetery authority, to pay all damages occasioned by his unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed.

8103. The provisions of this chapter do not apply to the removal or unavoidable breakage or injury, by a cemetery authority, of any thing placed in or upon any portion of its cemetery in violation of any of the rules or regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority which has become in a wrecked, unsightly, or dilapidated condition.

Chapter 3. Records

8110. The person in charge of any premises on which interments or cremations are made shall keep a record of all remains interred or cremated and of the interment of remains on the premises under his charge, in each case stating the name of each deceased person, place of death, date of interment, and name and address of the funeral director.

8111. The records shall at all times be open to official inspection.

8112. When making an interment in a cemetery having no person in charge, the funeral director shall sign the burial or removal permit, giving the date of interment, and shall write across the face of the permit the words "No person in charge," and file the burial or removal permit within 10 days with the registrar of vital statistics of the district in which the cemetery is located.

Article 5. Operation of Crematories

8340. No crematory shall conduct, or shall hereafter be constructed, established, or authorized to conduct, any business unless there is in connection therewith in the same fireproof building or structure or in a separate fireproof building within the same cemetery, either:

(a) A columbarium amply equipped for the interment of remains of bodies cremated at the crematory, or

(b) A burial park or mausoleum in which the cremated remains may be interred.

8341. All cremated remains not removed for interment elsewhere shall be interred in a plot within a reasonable time after cremation.

DIVISION 9. VITAL STATISTICS

Chapter 1. General Provisions

10000. The State Department of Public Health is charged with the uniform and thorough enforcement of this division throughout the State, and may promulgate additional regulations for its enforcement.

10001. All certificates of birth or of death shall be written legibly, in durable black ink, and a certificate is not complete and correct that does not supply all of the items of information called for, or satisfactorily account for their omission.

10002. All physicians, midwives, informants, funeral directors, clergymen, or judges, and all other persons having knowledge of the facts, shall supply, upon the forms provided or upon the original certificate, such information as they may possess regarding any birth, death, or marriage upon demand of the State registrar, in person, by mail, or through the local registrar.

10003. No certificate of birth, death, or marriage, after its acceptance for registration by the local registrar or county recorder, and no other record made in pursuance of this division, shall be altered or changed in any respect, except where supplemental information required for statistical purposes is furnished.

10008. Every person in charge of a hospital, almshouse, lying-in or other institution, public or private, to which persons resort for treatment, confinement, or are committed by process of law, shall make a record of the personal and statistical particulars relative to the inmates thereof sufficient and adequate for the completion of a birth or death certificate.

10010. Every person who sells a casket except to a dealer or funeral director shall keep a record showing the name of the purchaser, his post-office address, name of decedent, and date and place of his death. This record shall be open to inspection of the State registrar at all times. On the first day of each month the person selling caskets shall report on a blank provided for the purpose, to the State registrar each sale in the preceding month. Persons selling caskets to dealers or funeral directors only are not required to keep such record. The report is not required from funeral directors when they have direct charge of the disposition of the body of a deceased person.

10011. Every person selling a casket at retail, and not having charge of the disposition of the body of a deceased person shall inclose within the casket a notice furnished by the State registrar calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the State department concerning the interment or other disposition of human remains.

10116. If any certificate of death is incomplete or unsatisfactory, the local registrar shall call attention to the defects in the certificate and withhold the burial or removal permit until the defects are corrected.

10118. He shall make a complete and accurate copy of each birth certificate and each death certificate registered by him and preserve them permanently in his office as the local record.

10120. Under the supervision and direction of the State registrar, each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this division in his registration district. He shall make an immediate report to the State registrar of any violation of this law coming to his knowledge.

Article 8. Registration of Stillborn Children

10325. A stillborn child shall be registered upon a certificate of stillbirth as prescribed by the State department, and shall be filed with the local registrar, in the same manner as that prescribed for a certificate of death.

10327. A certificate of stillbirth is not required for a child that has not advanced to the fifth month of uterogestation.

10328. The medical certificate of the cause of stillbirth shall be signed by the attending physician, if any, and shall state the cause of the stillbirth if known.

10329. A burial or removal permit of the prescribed form is required.

10330. Midwives shall not sign certificates of stillbirth; but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance.

Chapter 4. Death Registration

Article 1. General Provisions

10350. Every death occurring in this State shall be reported pursuant to this chapter.

Article 2. Death Certificates

10375. The certificate of death shall contain the following items, and such other items as the department may designate:

(1) Full name of decedent. If an unnamed child the surname preceded by "Unnamed."

(2a) Place of death, including State, county, and township, village or city. If in a city, the street and house number; if in a hospital or other institution, its name shall be given instead of the street and house number; if in an industrial camp, the name of the camp shall be given.

(2b) Length of residence: (a) in place of death; (b) in California; (c) in the United States if of foreign birth.

(3) Usual residence of deceased, including State, county, and township, village or city, and if a city, the street and house number.

(4) Sex.

(5) Color or race.

(6a) Conjugal condition—as single, married, widowed or divorced.

(6b) Name of husband or wife.

(7) Date of birth, including the year, month, and day.

(8) Age, in years, months and days. If less than one day, the hours and minutes.

(9) Birthplace; at least State or foreign country, if known.

(10) The occupation of any person, male or female, who had any remunerative employment shall be reported, with the statement of trade, profession or particular kind of work.

(11) General industry or business in which work was done.

(12) Full name of father.

(13) Birthplace of father; at least State or foreign country, if known.

(14) Maiden name of mother.

(15) Birthplace of mother; at least State or foreign country, if known.

(16) Name and address of informant.

(17) Whether burial in ground, entombment, cremation or removal; and date of such interment.

(18) Signature and license number of embalmer; signature and address of funeral director, or person acting as such.

(19) Official signature of registrar, with date when certificate was filed; registered number.

(20) Date of death; year, month and day.

(21) Certification as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory (secondary) cause of complication, if any, and date of onset or duration of each.

(22) Certification as to action of the coroner when compelled to act by law, stating kind of action taken, whether inquest, autopsy or inquiry, and the fact and cause of death.

(23a) If death is due to accidental or violent means, it shall be stated as to whether accident, suicide or homicide; date of injury; place of injury, whether in home, industry or public place; manner and nature of injury.

(23b) Whether or not disease or injury is related to occupation.

(24) Signature and address of attending physician, or the signature of the coroner, with the statement of the county of which he is an officer.

10377. The statement of facts relating to the disposition of the body shall be signed by the funeral director or person acting as funeral director.

Article 3. The Medical Certificate

10400. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased except in the following cases:

(a) Where the attending physician is unable to state the cause of death.

(b) Where a person has been killed or has committed suicide.

(c) Where death is the result of an accident.

(d) Where an injury is a contributing cause of death.

(e) Where the death occurred under such circumstances as to afford a reasonable ground to suspect that it was caused by the criminal act of another.

10401. The physician shall within 15 hours after the death deposit the certificate at the place of death, or deliver it to the attending funeral director at his place of business or at the office of the physician.

10402. The physician shall specify in the certificate the time in attendance, the time he last saw the deceased person alive and the hour of the day at which death occurred.

10403. The physician shall state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration of each.

10404. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, are not sufficient for the issuance of a burial or removal permit. Any certificate containing only such terms, as defined by the State registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement.

10405. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means

of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal.

Article 4. Duties of Coroner

10425. The certificate of death shall be made by the coroner in case of any death occurring under any of the following circumstances:

(a) Without medical attendance.

(b) During the continued absence of the attending physician.

(c) Where the attending physician is unable to state the cause of death.

(d) Where the deceased person was killed or committed suicide.

(e) Where the deceased person died as the result of an accident.

(f) Under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.

10426. The physician, funeral director, or other person in charge of the body shall notify the coroner or other proper official of such death for investigation and certification.

10427. The coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall:

(a) State in his certificate the name of the disease causing death, or if from external causes (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal.

(b) Furnish such information as may be required by the State Registrar in order properly to classify the death.

Upon the issuance of the death certificate and burial permit the cemetery authority may proceed with the interment.

10428. The certificate shall contain as many facts required by this division as can be ascertained.

10429. The coroner shall within three days after examining the body deliver the death certificate to the attending funeral director.

Article 5. Duties of Funeral Directors

10450. The funeral director, or person acting as funeral director, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain an interment or removal permit prior to any disposition of the body.

10451. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, and the name and address of his informant.

10452. The death certificate shall be signed by the attending physician, if any, or by the coroner or other proper official either directly or as directed by the local registrar, giving the medical certificate of the cause of death and other particulars necessary to complete the record.

10453. The funeral director shall state the facts required relative to the date and place of interment or removal, over his signature and with his address.

10454. The completed certificate shall be presented to the local registrar in order to obtain a permit for interment, removal or other disposition of the body.

Article 6. Burial and Removal Permits

10475. If the certificate of death is properly executed and complete, the local registrar shall issue a permit for removal or interment, which in all cases shall specify the name of a cemetery where the remains shall be interred, except that in case the death occurred from a disease declared by the State department to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the State department and local boards of health.

10476. The funeral director shall deliver the burial permit to the person in charge of the place of interment, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the body, when shipped by any transportation company.

10477. The burial or removal permit shall accompany the body to its destination, where, if within this State, it shall be delivered to the person in charge of the place of interment.

Article 7. Procedure on Identification of Bodies of Unknown Persons

10500. If the body of an unknown person is identified after filing the death certificate, the coroner having jurisdiction shall file with the State registrar a death certificate giving the name of the person and all statistical particulars which have been discovered concerning him.

10501. The certificate shall be filed with the original record and shall become a part of it.

Chapter 6. Certified Copies of Records

10550. The State or local registrar shall, upon request and payment of the required fee, supply to any applicant a certified copy of the record of any birth, death, or marriage registered with him.

10551. Any photostatic copy of the record of a birth, death, or marriage, or a copy, properly certified by the State or local registrar to have been registered within a period of one year from the date of the event is prima facie evidence in all courts and places of the facts stated in it.

Chapter 7. Correction of Record

10575. Whenever the facts are not correctly stated in any certificate of birth, death, or marriage, already registered, the local registrar shall require an affidavit under oath to be made by the person asserting that the error exists, stating the changes necessary to make the record correct, and supported by the affidavit of one other credible person having knowledge of the facts.

10576. The local registrar shall file the affidavits with an amended certificate and shall note the fact of the amendment with its date on the margin of the otherwise unaltered original certificate.

Chapter 5. Miscellaneous Penal Provisions

24800. Every person charged with the performance of any duty under the laws of this State relating to the preservation of the public health, who wilfully neglects or refuses to perform the same, is guilty of a misdemeanor.

PENAL CODE REFERENCES

563e. Any person who wilfully and knowingly makes, circulates or transmits to another or others any statement or rumor, written, printed or by word of mouth, which is untrue in fact and is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any cemetery, cemetery authority or cemetery corporation, doing business in this State, or who knowingly counsels, aids, procures, or induces another to start, transmit or circulate any such statement or rumor, is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than one year, or both. (Penal Code, Section 563e.)

642. Every person who wilfully and maliciously removes and keeps possession of and appropriates for his own use articles of value from a dead human body, the theft of which articles would be petty theft is guilty of a misdemeanor, or if the theft of the articles would be grand theft, a felony. This section shall not apply to articles removed at the request or direction of one of the persons enumerated in Section 7111 of the Health and Safety Code. (Penal Code, Section 642.)

1510. When a coroner is informed that a person has been killed, or has committed suicide, or has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the act of another by criminal means, he must go to the place where the body is, cause it to be exhumed if it has been interred, and make an investigation and if the circumstances warrant it he shall hold an inquest and summon not less than nine nor more than 15 persons, qualified by law to serve as jurors, to appear before him forthwith, either at the place where the body of deceased is, or at some other convenient place within the county to be designated by the coroner, at his discretion, or at the request of the district attorney to inquire

into the cause of the death. No such person is exempt from jury duty except at the discretion of the coroner. No person shall be summoned as juror who is related to the decedent or is charged with or suspected of the killing, nor shall anyone be summoned who is known to be prejudiced for or against him, but no person selected or summoned to appear as a juror is subject to be challenged by any party. (Penal Code, Section 1510.)

POLITICAL CODE REFERENCE

Whenever the coroner takes custody of a dead body as required by law, he may embalm the body and charge and collect from the person entitled to custody of the body the sum of fifteen dollars ($15) except in those cases in which the body is that of a child not more than 14 years of age or of a person for whose burial there is available a sum less than seventy-five dollars ($75), in which cases no fee shall be charged and the expense of embalming the body shall be a county charge; provided that in any county where the coroner is paid a salary, the fees paid under the terms of this section shall be paid into the county treasury. (Political Code, Section 4300h.)

FOR THE INFORMATION AND GUIDANCE OF ALL FUNERAL DIRECTORS, WE QUOTE THE FOLLOWING RULES:

LOS ANGELES COUNTY HEALTH DEPARTMENT

"It shall be unlawful for any funeral director or other person to use, or cause or permit to be used, any vehicle other than a hearse or mortuary car for conveyance of any dead human body, *except that of stillborn infant or of an infant not over one year of age dead* of other than a communicable disease, and except when a patient dies en route. The use of any ambulance as a mortuary car or hearse, or the use of a mortuary car as an ambulance, is specifically forbidden."

SAN FRANCISCO COUNTY HEALTH DEPARTMENT—ORDINANCE NO. 17 131 (PRIVATE AMBULANCE ORDINANCE)

Section 6—Subdivision 2

The term "ambulance" shall not be used or displayed on any vehicle or conveyance, public or private, unless used to move a sick or injured person.

Subdivision 3

No vehicle or conveyance which will in any manner be used or shall be used for the removal or conveyance of the dead shall be used as an ambulance.

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